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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,827	11/26/2003	James B. Toeniskoetter	20005.073	9361

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EXAMINER

AGRAWAL, CHRISTOPHER K

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,827

Applicant(s)

TOENISKOETTER ET AL.

Examiner

Christopher K. Agrawal

Art Unit

3726

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 16 is/are rejected.
- 7) ☒ Claim(s) 9-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, it is unclear what the "compliance device" is as it is currently described on page 7 of the specification. Therefore, one skilled in the art would not know how to make or use the invention because the specification lacks appropriate disclosure of the "compliance device".

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 5 recites the limitation "the platen connection feature". There is insufficient antecedent basis for this limitation in the claim.

6. Claim 6 recites the limitation "the drive support connection feature". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Meyerle (U.S. Patent No. 5,086,633).**

9. Meyerle teaches a method for horizontally actuating hemming and stamping die sets comprising the steps of: supporting a vertically extending platen for horizontal motion and a drive support on a horizontally disposed base support; attaching a punch die set **32** to said platen **12** and a drive mechanism **51** and an anvil die set **30** to said drive support; coupling crank arms of said drive mechanism to said platen via link bars **44, 54**; actuating said drive mechanism to move said platen and said punch die set across said horizontal base support to contact the anvil die set, whereby the side-by-side horizontal movement of the die set is used to perform hemming and stamping operations on a working piece (**Col. 3 lines 4-14; Col. 4 lines 14-38**).

Claim Rejections - 35 USC § 103

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10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerle (U.S. Patent No. 5,086,633) in view of Saint Denis et. al. (U.S. Patent No. 6,612,146).

1. Claim 1: Meyerle teaches an apparatus for horizontally actuating hemming and stamping die sets, said apparatus comprising: a horizontal base support **24**; a linear guidance system **16** set in said horizontal base support; a drive support **18, 20** vertically attached to said horizontal base support; a drive mechanism **41, 51** supported by said drive support; an anvil die set **30** held by said drive support; a vertically extending platen, said vertically extending platen **10** resting on top of the horizontal base support and loosely guided by said linear guidance system; a punch die set **32** held by said vertical platen; a plurality of bushings **14** set in the punch die set; at least three guide shafts **16**, each secured to said anvil die set on one end and each engaged to one of said bushings of said punch set on the other end (**Fig. 1**); and a plurality of link bars **44, 54** attached on one end to said vertical platen via link bar attachments and coupled on the other end to said drive mechanism, wherein the actuation of the drive mechanism moves the vertical platen in a horizontal direction **48** along the linear guidance system but does not specifically teach the apparatus comprising a roller device horizontally mounted on top of said horizontal base support.

2. Saint Denis et. al. teach a hemming machine having a roller device **54** horizontally mounted on top of a horizontal base support for providing a track having desirable friction properties.
3. It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the roller device of Saint Denis et. al. with the apparatus of Meyerle for the purpose of providing a guidance track having desirable frictional properties.
4. Claim 2: Meyerle also teaches the apparatus wherein the actuation of the drive mechanism moves the vertical platen in a horizontal direction **48, 58** along the linear guidance system.
5. Claim 3: Meyerle also teaches the apparatus wherein the punch die set **32** is held on the vertical platen by a platen connection feature located in the center of the inside face of the vertical platen (**Col. 5 lines 6-12**).
6. Claim 4: Meyerle also teaches the apparatus further comprising at least one compliance device **65, 66**.
7. Claim 5: Note that in Meyerle, the element **78** could also be considered a "compliance device" which is located on a platen connection feature **85**.
8. Claim 6: Meyerle also teaches the apparatus wherein the compliance device is located on the drive support connection feature (**Col. 5 lines 41-45**).
9. Claim 7: Note that in Meyerle, the elements **41** could also be considered "compliance devices" located on the link bar attachments.

10. Claim 8: Saint Denis et. al. also teach the apparatus wherein the roller device uses ball type rollers (**Fig. 1 rollers 54**).

Allowable Subject Matter

11. Claims 9-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,333,369 teaches a method and apparatus for positioning dies.

U.S. Patent No. 4,326,399 teaches an extrusion press operating by the indirect method.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher K. Agrawal whose telephone number is (571) 272-3578. The examiner can normally be reached on Mon-Fri 8AM-4:30PM.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Jimenez can be reached on (571)272-4530. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CKA


MARC JIMENEZ
PRIMARY EXAMINER
11/21/05